

REMARKS

Applicant has amended the above-identified application responsive to the Office Action dated January 11, 2005.

Applicant has amended claims 1, 5, 8, 13, 15 and 19-26 in order to both overcome the indefiniteness and prior art rejections indicated by the Examiner.

Addressing first the claim rejections under 35 U.S.C. §112, as set forth on pages 2 and 3 of the Examiner's remarks, Applicant's wording of the claims, both as originally presented and presently amended, is intended to clarify that the scope of the intended invention is the aisle way extender bracket and its associated support and display end features. The merchandise display and its associated end cap support are conventional and non-patentable features with which the aisle way support bracket of the present application is utilized.

As made clear by the original wording of the claims, the positively recited features of the elongate extending support arm, first support end and second display end are preceded by the term "said" and in reference to their constituting positively claimed elements of the present invention. In contrast, the prior (conventional) features of the upright merchandising display with associated end cap support, as referenced in the preamble of each independent claim, are consistently identified throughout the body of the relevant claims by the term "the", and not "said", this reinforcing the fact and intent that they are not considered to be inventive features of the claims.

In any event, Applicant has further amended each of the independent claims to clarify that the first support ends of the aisle way extender bracket are "adapted to being" engaged with a location associated with the upright merchandising display proximate the vertically extending end cap support. The product display portion, as referenced in specific claims, has been further

amended to specify that it is “adapted to being” suspended from the “S” hook forming a part of the product display end of the aisle way extender bracket. It is therefore submitted that the §112 issues are obviated by the enclosed amendments and the preceding clarification.

Addressing next the prior art rejections, Applicant has further amended specified claims and, in cooperation with the following, submits that all of the claims, in addition to 13-15 and 24-26 presently indicated as being allowable, are likewise allowable.

Specifically, and in response to the rejection of claims 8 and 20 as anticipated by Sainato (4,854,533), Applicant has amended claim 20 to clarify that the elongated support arm extends in substantially horizontal fashion relative to the vertically extending merchandise display. In contrast, the mounting brace 20 in Sainato (referenced by the Examiner as being the equivalent of the support arm) does not extend horizontally but rather “substantially” vertically in relation to the merchandising support assembly. Addressing further claim 23, Applicant again submits that the above described differentiating feature of the present invention over Sainato, and regardless of the use of rectangular nuts as illustrated in Figs. 9 and 10 of the present illustrations.

Addressing next the Kiggins 5,913,499 reference, cited as anticipating claims 11 and 22, claim 22, as now amended, recites that the single slot engagement portion, associated with the support end of the bracket, is tightenable to secure the bracket in place within a selected vertically extending single slot associated with the vertically extending end cap support (see also Figs. 3 and 4 of the present drawings).

In contrast, the arrangement in Kiggins does not teach a single slot mounting arrangement for securing a support end of an aisle way extender bracket to a slot associated with a conventional end cap of a merchandise display. Rather, Kiggins teaches a pair of internally/externally threaded elements 50 and 52 mounted in contacting fashion through an aperture in an

end of the support member 32, and through a mating surface of an "L" shaped bracket. In cooperation, screw element 54 and wing nut 56 secure through a succeeding aperture in the support member and in likewise mounting fashion to the L bracket.

More significantly, the structure referenced by the Examiner in regards to Kiggins is directed to a pivotally associated product display connection (such as to a dimmer switch assembly as referenced at 10), and not to a single slot mounting structure as recited in amended claim 22 (see in particular Figs. 3-5 in Kiggins). The support end in Kiggins, contrary to the structure recited in amended claim 22, is provided by a pair of screws 46, which insert through holes formed in a flat end plate 36, and not by a fastener stem terminating in a single slot engagement portion.

Addressing next the rejection of claims 1, 2, 4, 5, 6, and 19 as obvious over Shea (5,957,422) in view of Hambleton (6,273,385), it is respectfully submitted that these claims patentably define from either of the references cited. Most notably, the support arm as recited in each of amended claims 1 and 19 extends in a parallel direction relative to the extending surfaces of the merchandising display wall, thus making the end bracket of the present invention an aisle way end extending bracket and not a main aisle bracket, and as is taught by the perpendicularly extending bracket displays in each of Shea and Hambleton, as relating to the support surfaces from which they secure and extend. It is further noted that Hambleton is not even directed to a merchandise display, but rather teaches an apparatus for hanging a flower pot from a gutter eave edge.

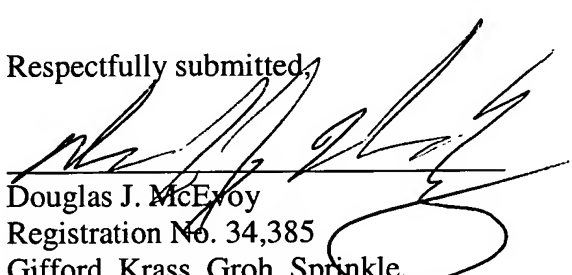
In further regard to claim 21, and applying the same arguments as presented in the defense of claims 1, 2, 4, 5, 6 and 19, the Zarrow (6,349,909) reference, combined with Shea, likewise does not teach the support arm adapted to extend beyond the vertically extending end

cap in a substantially coplanar and parallel fashion relative to the lengthwise extending wall. Rather, and as with Hambleton, the hanger assembly in Zarrow extends in a perpendicular fashion relative to the wall surface.

Accordingly, Zarrow, with or without Shea '422, does not teach or suggest an aisle way end extender bracket as is recited in amended claim 21 of the present application. It is further submitted that it would not have been obvious to modify the planar support surface in Shea '422 to exhibit the claimed tabs as a number of tab arrangements in the manner recited in claim 22.

Accordingly, it is respectfully submitted that all of the claims are allowable, as amended or added herein. Attorney for Applicant may be contacted at (248) 647-6000 with any questions the Examiner may have.

Respectfully submitted,



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